

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

James B. Skelton,)	
)	C/A No. 3:09-1435-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
United States Supreme Court;)	
Chief Justice John Roberts;)	
Associate Justice John Paul Stevens;)	
Associate Justice Antonio Scalia;)	
Associate Justice Anthony M. Kennedy;)	
Associate Justice David Souter;)	
Associate Justice Clarence Thomas;)	
Associate Justice Ruth Bader Ginsburg;)	
Associate Justice Stephen G. Breyer;)	
Associate Justice Samuel A. Alito;)	
)	
Defendants.)	
_____)	

Plaintiff James B. Skelton, proceeding pro se and in forma pauperis, filed the within complaint on June 1, 2009, seeking to have the United States Supreme Court overturn the case of Roe v. Wade, 410 U.S. 113 (1973).

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Robert S. Carr for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915 and applicable precedents. The Magistrate Judge filed a Report and Recommendation on July 8, 2009. The Magistrate Judge determined that Plaintiff failed to show standing to sue the United States Supreme Court. In addition, the Magistrate Judge noted that Plaintiff has filed eight lawsuits in three months, each dismissed or subject to dismissal, and several for lack of standing and jurisdiction. Accordingly, the Magistrate Judge recommended that Plaintiff be subject to sanctions that would restrict Plaintiff's

ability to file future cases if Plaintiff continues to file cases in which he has no standing to sue or fails to establish the jurisdiction of this court. The Magistrate Judge further recommended that the complaint be dismissed *with* prejudice and without issuance and service of process. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The within complaint is dismissed *with* prejudice and without issuance and service of process.

PLAINTIFF IS CAUTIONED THAT HE MAY BE SUBJECT TO SANCTIONS OR A PREFILING INJUNCTION IF IT IS DETERMINED THAT HE IS FILING VEXATIOUS LAWSUITS.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

August 12, 2009.

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.